WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 20.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.80 of 2007
& M.P No.1 of 2007

Tamil Nadu Khadi and village
Industries Board, rep. by its
Chief Executive officer,
Kuralagam, Chennai-108. ... Appellant/2nd Respondent

Vs.

1.G.Mahadevan

2.The State of Tamil Nadu,
rep. by its Secretary to Government,
Department of Handlooms Handicrafts
Textiles and Khadi, Fort St. George,
Chennai-9. ... Respondents/1st Respondent

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 26.09.2006 made in W.P.No.4500 of 2005. Presented under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records of the second Respondent culminating in his order bearing reference Rc.No.53311/P2/2002 dated 25.1.2005 and quash the same and consequently direct the respondents to sanction and disburse the petitioners death cum gratuity benefits, leave encashment benefits, commutation of pension and regulars pension forthwith

For Appellant : Mr.S.Packiaraj

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Tamil Nadu Khadi and Village Industries Board, Chennai, through its Chief Executive Officer, aggrieved by the order of the learned single Judge dated 26.09.2006 made in W.P.No.4500 of 2005, has filed the above writ appeal.

2. The first respondent herein, who was working in the appellant Board was permitted to retire voluntarily with effect from 30.11.2002. Admittedly, on the said date, there was neither any disciplinary proceeding pending nor criminal case registered against him. It is the grievance of the first respondent that inspite of the same and repeated

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

requests, his retirement benefits were not settled, which necessitated him to file a writ petition before this Court.

3. The learned single Judge, after verifying the proceedings dated 25.01.2005 and the records relating to the criminal prosecution and taking note of the fact that when the petitioner was permitted to retire voluntarily on 30.11.2002, there was no material to show that the petitioner had involved in any criminal case, accepted his case and issued direction for settlement of terminal benefits.

4. Even before us, the learned counsel appearing for the appellant though submitted that the first respondent herein is arrayed as eleventh accused in C.C.No.21 of 2005 on the file of VII Additional Sessions Judge, City Civil Court, Chennai, has fairly admitted that on the date, when he was allowed to retire voluntarily i.e., on 30.11.2002, there is no allegation against him and he has not involved in any criminal case. In such circumstances, we are in entire agreement with the conclusion arrived at by the learned single Judge. Even if the management is successful in the criminal case, at the most, the first respondent can be convicted and no fresh disciplinary proceedings could be initiated at that juncture.

5. Taking note of all these aspects and in view of the factual details as mentioned above and available in the order of the learned single Judge, we are unable to accept the claim of the appellant. Consequently, the writ appeal fails and the same is dismissed. No costs. M.P.No.1 of 2007 is also dismissed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
1.The Secretary to Government,
State of Tamil Nadu, Department of
Handlooms Handicrafts Textiles and Khadi,
Fort St. George, Chennai-9.
2.The Chief Executive Officer Tamil Nadu Khadi and
Village Industries Board, Kuralagam, Chennai.

+1cc Mr.S.Packiaraj,Advocate Sr.No.39121

+1cc to The Government Pleader Sr.3667.
KLT(CO)
dcp/25.1

W.A.No.80 of 2007

https://hcservices.ecourts.gov.in/hcservices/